

WEISS & JONES
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Attorneys for Plaintiff
Bartell Hotels, a California Limited Partnership,
dba Half Moon Anchorage
Attorney for Plaintiff

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

BARTELL HOTELS, A California Limited
Partnership, dba HALF MOON ANCHORAGE,

Plaintiff,

v.

M/Y CLAIRE IRENE, a 1968 Owens Motor
Yacht of Approximately 40-Foot In Length And
11-Foot In Beam, Bearing California D.M.V.
Registration No. CF 8646 ED, AND ALL OF
HER ENGINES, TACKLE, ACCESSORIES,
EQUIPMENT, FURNISHINGS AND
APPURTENANCES, *in rem*,

Defendant.

Case No. 07 CV 2097 L (BLM)
IN ADMIRALTY
REQUEST TO ENTER DEFAULT
F.R.C.P. 55(a) And Supplemental
Admiralty Rules C and E

TO: THE CLERK OF THE ABOVE-ENTITLED COURT

Plaintiff BARTELL HOTELS, a California Limited Partnership, dba HALF MOON ANCHORAGE, respectfully requests that the Clerk of this Honorable Court enter Default in this action against the following Defendant, on the ground that no person or entity has appeared on her behalf to answer or otherwise responded to the Verified Complaint within the time prescribed by the Federal Rules of Civil Procedure: M/Y CLAIRE IRENE, a 1968 Owens Motor Yacht of Approximately 40-Foot In Length And 11-Foot In Beam, Bearing California D.M.V. Registration No. CF 8646 ED, AND ALL OF HER ENGINES, TACKLE, ACCESSORIES, EQUIPMENT, FURNISHINGS AND APPURTENANCES.

1 Service of the Summons, the First Amended Verified Complaint and other documents offered
 2 in connection with and in support of the instant vessel arrest in this action was effected on January
 3 11, 2008 on each person or entity who has or which Plaintiff believes might have an ownership, lien
 4 or other interest in the DEFENDANT VESSEL, including her documented owner and all known
 5 maritime lien holders, as evidenced by the Declaration of Service which is hereto attached as Exhibit
 6 A and which is on file in this action:

7 Kurt Hach [Defendant Vessel's Documented Owner]
 8 19918 Chase Street
 9 Canoga Park, CA 91306

10 Neither the above named individual nor any other person or entity, has intervened or
 11 otherwise appeared in this action, and none has responded to the First Amended Verified Complaint
 12 on behalf of the Defendant Vessel within the time prescribed by the Federal Rules of Civil
 13 Procedure.

14 Attached hereto as Exhibit B is a true and correct copy of a U.S. Marshal Form 285 reflecting
 15 that on February 6, 2008 a Deputy U.S. Marshal served the Verified Complaint and other vessel
 16 arrest documents on the Defendant Vessel by placing copies aboard.

17 Moreover, no party or person has, as required by Supplemental Admiralty Rule C(6)(a)(i),
 18 filed a Statement of Interest in or Right Against the Property within 30 days after publication is
 19 completed pursuant to Supplemental Admiralty Rule C(4). The completion of the required
 20 publication is evidenced by the true and correct copy of the U.S. Marshal Certificate of Publication
 21 attached hereto as Exhibit C.

22 The above stated facts are set forth in the accompanying Declaration of Philip E. Weiss, filed
 23 herewith.

24 DATED: March 7, 2008

Respectfully submitted,

WEISS & JONES

25 By 
 26 Philip E. Weiss
 27 Attorneys for Plaintiff
 28 Bartell Hotels

1 WEISS & JONES
 Philip E. Weiss, Esq. (No. 152523)
 2 1551 Shelter Island Drive
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 4

5 Attorneys for Plaintiff
 Bartell Hotels, a California Limited Partnership,
 6 dba Half Moon Anchorage
 Attorney for Plaintiff
 7

8 **UNITED STATES DISTRICT COURT**
 9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 BARTELL HOTELS, A California Limited
 Partnership, dba HALF MOON ANCHORAGE,

12 Plaintiff,

13 v.

14 M/Y CLAIRE IRENE, a 1968 Owens Motor
 15 Yacht of Approximately 40-Feet In Length And
 11-Feet In Beam, Bearing California D.M.V.
 16 Registration No. CF 8646 ED, AND ALL OF
 HER ENGINES, TACKLE, ACCESSORIES,
 17 EQUIPMENT, FURNISHINGS AND
 APPURTENANCES, *in rem*,

18 Defendant.
 19

Case No. 07 CV 2097 L (BLM)

IN ADMIRALTY

DECLARATION OF SERVICE

F.R.C.P. Supplemental Admiralty
 Rules C and E.

46 U.S.C. Sections 30101-31343

20
 21 **DECLARATION OF SERVICE**

22 **STATE OF CALIFORNIA, COUNTY OF SAN DIEGO**

23 I am employed in San Diego County, State of California. I am over the age of eighteen (18)
 24 and not a party to this action; my business address is 1551 Shelter Island Drive, San Diego,
 25 California 92106. On March 7, 2008, I served the following document(s) described as:

- 26 - Request for Default
- 27 - Declaration of Philip E. Weiss In Support Of Request To Enter Default
- 28 - Default By Clerk

1 on the interested parties in Case No. 07 CV 2097 L (BLM) by placing ☐ the
2 original ☒ a true copy thereof enclosed in a sealed envelope addressed as follows:

3 Mr. Kurt Hach

4 19918 Chase Street

5 Canoga Park, CA 91306

6 ☐ **(BY PERSONAL SERVICE):** Personal service accomplished by ☐ attorney service or
7 ☐ _____, employed by Weiss & Jones.

8 ☐ **(BY FACSIMILE AS INDICATED ABOVE):** I caused the foregoing document(s) to be
9 sent via facsimile transmission to the above addressee(s) at the facsimile numbers indicated above.

10 ☒ **(BY U.S. MAIL AS INDICATED ABOVE):** As follows: I am "readily familiar" with the
11 firm's practice of collection and processing correspondence for mailing. Under that practice it would
12 be deposited with U.S. Postal Service on that same day with postage thereon fully prepaid at San
13 Diego, California in the ordinary course of business. I am aware that on motion of the party served,
14 service is presumed invalid if postal cancellation date or postage meter date is more than one day
15 after deposit for mailing in affidavit.

16 ☐ **(STATE):** I declare under penalty of perjury under the laws of the State of California that
17 the foregoing is true and correct.

18 ☒ **(FEDERAL):** I declare that I am employed in the office of a member of the bar of this court
19 at whose direction the service was made.

20 Dated: March 7, 2008

Tamara Geehan

Tamara Geehan —

21
22 c:\arrest-sdeal-clientsub\proofservice